



PEER
MISSISSIPPI

Joint Legislative Committee on Performance
Evaluation and Expenditure Review



An Overview of Visitation Protocols at the Mississippi Department of Corrections



MISSISSIPPI DEPARTMENT OF CORRECTIONS

Issue Brief #675
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The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A joint committee, the PEER Committee is composed of seven members of the House of Representatives appointed by the Speaker of the House and seven members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms, with one Senator and one Representative appointed from each of the U.S. Congressional Districts and three at-large members appointed from each house. Committee officers are elected by the membership, with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of four Representatives and four Senators voting in the affirmative.

Mississippi's constitution gives the Legislature broad power to conduct examinations and investigations. PEER is authorized by law to review any public entity, including contractors supported in whole or in part by public funds, and to address any issues that may require legislative action. PEER has statutory access to all state and local records and has subpoena power to compel testimony or the production of documents.

PEER provides a variety of services to the Legislature, including program evaluations, economy and efficiency reviews, financial audits, limited scope evaluations, fiscal notes, and other governmental research and assistance. The Committee identifies inefficiency or ineffectiveness or a failure to accomplish legislative objectives, and makes recommendations for redefinition, redirection, redistribution and/or restructuring of Mississippi government. As directed by and subject to the prior approval of the PEER Committee, the Committee's professional staff executes audit and evaluation projects obtaining information and developing options for consideration by the Committee. The PEER Committee releases reports to the Legislature, Governor, Lieutenant Governor, the agency examined, and the general public.

The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.



BACKGROUND

Mississippi Department of Corrections

MISS. CODE ANN. § 47-5-10 (1972) designates the **Mississippi Department of Corrections** (MDOC) as the state agency tasked with the care and custody of adult offenders committed to MDOC by the courts.

MDOC is responsible for the following active facilities: five state prisons, two private prisons, fifteen county/regional correctional facilities throughout the state, six community work centers, and two restitution centers.

Division of Institutions

Within MDOC, the Division of Institutions is responsible for protecting public safety through the confinement of offenders. The Division of Institutions provides both the administration and operation of correctional facilities in the state. This includes providing offenders in MDOC custody with treatment, education, and vocational programs that will better prepare them in returning to the community upon release.

The Division of Institutions is also responsible for the operation of the Training Division and the Administrative Remedy Program.

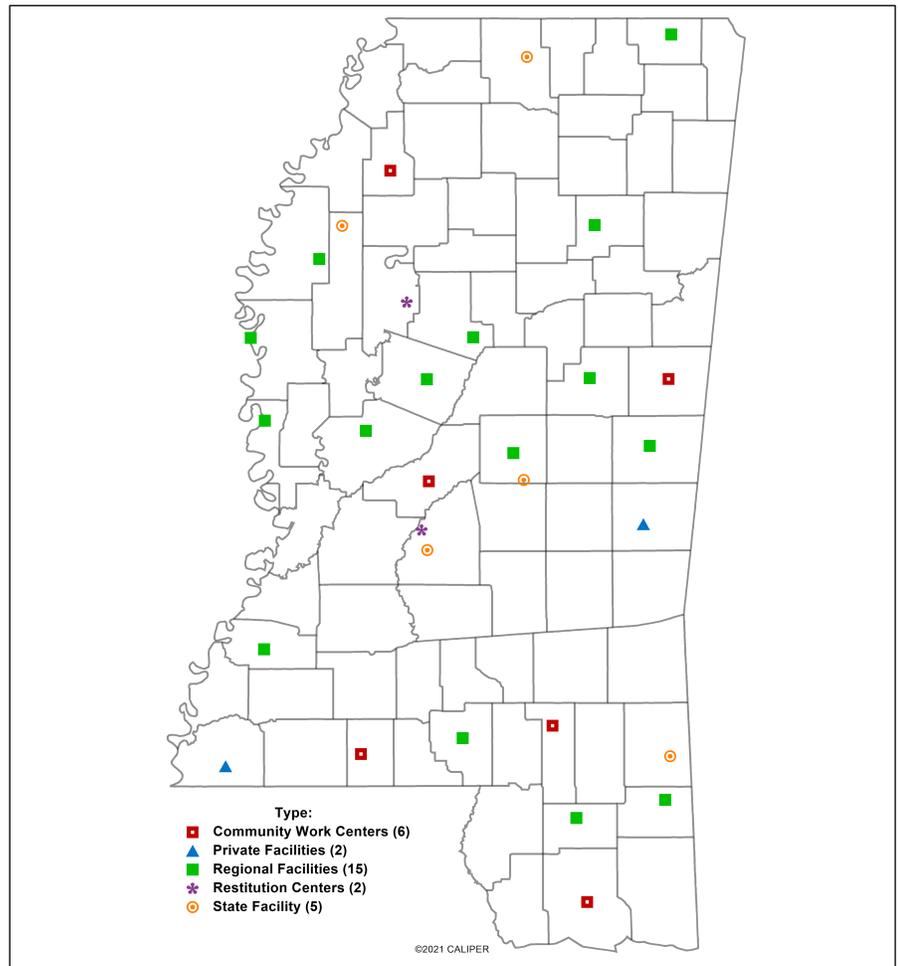
MDOC Facility Types

- State – state-owned and operated
- Private – county-owned, privately operated, but overseen by the state
- County/regional – county-owned and operated, but overseen by the state
- Community Work Center – state-owned and operated as alternatives for inmates
- Restitution Center – county-owned and operated as alternatives for inmates

Visitation Authority in Law

MISS. CODE ANN. Section 47-5-10 (a) and (d) (1972) authorizes MDOC to offer the privilege of visitation for offenders in the Department’s care. While visitation is not specifically mentioned as a power imparted to MDOC, the use of visitation has been documented to be an important aspect in an offender’s rehabilitation and in reducing recidivism, both of which are specifically mentioned as goals and priorities of MDOC.

Within MDOC policy and procedure, policy numbers 31-03 (Offender Visitation) and 08-08 (Facility Tours) govern the availability, conduct, and expectations of offenders, MDOC staff, and guests while on MDOC facility grounds. Included within these sections are the rules for admittance into a facility, codes of conduct while on facility grounds, and consequences for violations of the established rules during visitation.



Purpose of Issue Brief

This issue brief addresses MDOC's current safety protocols regarding the entry of people who are not MDOC staff onto MDOC facility grounds. MDOC's Division of Institutions manages visitation to correctional facilities (including state-owned prisons, private prisons, joint county/regional prisons, and other correctional facilities) based on MDOC policy and procedure. MDOC policy and procedure is informed by the American Correctional Association's (ACA) *Performance-Based Standards and Expected Practices for Adult Correctional Institutions*.

In addition, this issue brief provides an overview of visitation statistics including the number of visitors MDOC facilitates and the frequency and causes of visitation suspensions or terminations.

Scope Limitations

For this issue brief, "visitation at MDOC facilities" is limited to offender visitation and tours offered of MDOC facility grounds. While other types of visitation exist (e.g., attorney/client, doctor/patient, spiritual advisor/advisee), these visits include limited interaction with offenders and are not relevant to the public at large.

Additionally, during the course of the review, data relating to the number of suspensions and terminations was not supplied for all facilities that house MDOC offenders. Of seven state and private facilities from which these records were requested, only one institution responded with the requested data within the allotted time period. The other six facilities responded with limited or no information and were not included in the discussion found on page 11.

MDOC Facility Visitation

Maintaining personal and family relationships between offenders and the outside world has been documented as an essential aspect of

¹https://www.prisonpolicy.org/blog/2021/12/21/family_contact/

inmate rehabilitation. Offenders who have maintained close community contact with family and friends via visitation have been shown to have reduced recidivism rates.¹

In addition to family and friends, person(s) whose mission is to serve the facility or provide services for the offender population may also visit MDOC facilities.

MDOC has developed policies and procedures to accommodate the following types of visits:

- family/friends (i.e., offender visitation);
- businesses/vendors;
- medical professionals;
- tour groups;
- attorneys; and,
- clergy.

There are two types of offender visitation: contact and non-contact. During contact visitation, offenders and visitors are allowed in a common area where touch is permitted with no physical barriers separating offender from visitor. This type of visitation is offered to offenders with lower security levels and threat/risk profiles (e.g., nonviolent offenders). In contrast, non-contact visitation requires a physical barrier (usually a plexiglass divider with a communication device used for communication between parties) separating offender from visitor, allowing for no physical contact between the two. Non-contact visitation is reserved for high-security level offenders or those offenders who pose a high security risk.

Analysis of ACA's Performance-Based Standards and Expected Practices for Adult Correctional Institutions

MDOC has adopted policies and procedures that are in compliance with ACA standards and expected practices.

To provide guidance for correctional and detention facilities, ACA developed *Performance-Based Standards and Expected Practices for Adult Correctional Institutions*.

These standards were developed to provide a minimum base of correctional facility procedure and operation. These standards and practices were last updated in March 2021.

PEER reviewed the suggested standards and practices to determine if MDOC's policy and procedure for accepting persons who are not MDOC staff members onto facility grounds aligns with ACA's standards for permitting guests into correctional facilities.

As shown in Exhibit 1 on page 4, PEER staff selected a sample of 15 standards from the *Performance-Based Standards and Expected Practices for Adult Correctional Institutions* to determine if MDOC's visitation policy and procedure was in conformity with ACA's guiding principles for correctional facilities.

After a review of MDOC's visitation policy, PEER found that each of ACA's 15 expected standards and practices outlined for visitation was found in MDOC policy and procedure. Additionally, site inspection of three MDOC facility visitation areas showed that these policies and procedures are mostly implemented into practice (see page 13).

Conditions for Visiting MDOC Facilities

In order to be admitted into a MDOC facility as a visitor, individuals must submit certain information and abide by certain rules of conduct prior to, during, and after visiting an offender.

Visitation with an offender is a privilege offered by MDOC. Visitation can be denied, suspended, and/or revoked for both offender and visitor if MDOC policy and procedure for visitation is not followed by either the inmate or his or her proposed visitor. The procedure for allowing visitors into MDOC facility grounds is dictated by MDOC Policy Number 31-03: Offender Visitation.

Limitation of Potential Visitors

MDOC limits who may visit an offender. Certain persons are prohibited from visiting an offender or must seek special authorization prior to visiting a facility. These include:

- a child who is a victim of the offender's sexual offense, physical abuse, or other mistreatment;
- individuals who are convicted felons, except for immediate family;
- any individual who, through investigation, is believed to pose a threat to the offender or facility; and,
- visitors of any offender found guilty of fraternization with staff, including volunteers and/or contract employees at a correctional facility based on facts and findings.

Additionally, MDOC employees, ex-MDOC employees, contract workers, volunteers, or regional and private prison employees will not be approved to visit offenders they met during the course of their employment or volunteer services.

Apart from limiting the type of visitors who may visit an MDOC facility, MDOC policy states an offender's security level will also dictate how and when that offender may receive visitors. As a general rule, as an offender's security level rises visitation becomes more restricted. As shown in Exhibit 2 on page 5, the amount and type of contact that offender may receive is decreased as the security level increases.

Exhibit 1: MDOC’s Visitation Policy and Procedure Conformity with ACA’s Performance-Based Standards and Expected Practices for Adult Institutions

ACA Visitation Condition	ACA Visitation Standard	MDOC Policy and Procedure
Visitation Space	Sufficient space is to be provided for a visiting room or area for contract visiting and, if necessary, noncontact visiting. There is adequately designed space to permit screening and searching of both inmates and visitors. Space is provided for the proper storage of visitors’ coats, handbags, and other personal items not allowed in the visiting area.	✓
Accessibility	Reasonable accommodation is to be made to ensure that all parts of the facility that are accessible to the public are accessible and usable by staff and visitors with disabilities.	✓
Access to Counsel	Written policy, procedure, and practice ensure and facilitate inmate access to counsel and assist inmates in making confidential contact with attorneys and their authorized representatives; such contact includes, but is not limited to, telephone communications, uncensored correspondence, and visits.	✓
Special Management	Written policy, procedure, and practice provide that inmates in special management housing have opportunities for visitation unless there are substantial reasons for the withholding of such privileges.	✓
Restrictive Housing	Written policy, procedure, and practice provide that inmates in restrictive housing have opportunities for visitation unless there are substantial documented reasons for withholding such privileges.	✓
Reception and Orientation	Written policies and procedures govern the admission of inmates new to the system.	✓
Telephone	Written policy, procedure, and practice provide for inmate access to public telephones.	✓
Number of Visitors	Written policy, procedure, and practice provide that the number of visitors an inmate may receive and the length of visits may be limited only by the institution’s schedule, space, and personnel constraints, or when there are substantial reasons to justify such limitations.	✓
Offender Information	Written policy, procedure, and practice provide that written information regarding procedures governing visitation be made available to an inmate within 24 hours of arrival at the facility.	✓
Offender/Visitor Interaction	Written policy, procedure, and practice provide that inmate visiting facilities permit informal communication, including opportunity for physical contact. Devices that preclude physical contact are not used except in instances of substantial security risk.	✓
Special Visits	Written policy and procedure govern special visits.	✓
Death or Illness in Family	Written policy, procedure, and practice require that an inmate is informed in a timely manner of the verifiable death or critical illness of an immediate family member. In case of the critical illness of an immediate family member, the inmate is allowed, whenever statutes and circumstances allow, to go to the bedside under escort or alone.	✓
Visitor Registration	Written policy, procedure, and practice provide that visitors register upon entry into the institution and specify the circumstances under which visitors may be searched.	✓
Visitor Transportation	The institution provides information to visitors about transportation to the institution and facilities between the institution and nearby transportation terminals.	✓
Practicing Faith	When a religious leader of an inmate’s faith is not represented through the chaplaincy staff or volunteers, the chaplain or designated staff member assists the inmate in contacting a person who has the appropriate credentials from the faith judicatory. That person ministers to the inmate under the supervision of the chaplain.	✓

SOURCE: PEER staff analysis of the American Correctional Association’s (ACA) *Performance-Based Standards and Expected Practices for Adult Institution*.

Additionally, an offender may have his or her visitation privileges restricted or suspended if that offender is found guilty of the following:

- a felony or misdemeanor that occurred during a visit;
- a major Rules Violation Report (RVR) that occurred during a visit or was associated with a visit (e.g., fighting, possession of contraband);
- escape, attempted escape, or conspiracy to escape; and,
- two or more RVRs for use of drugs or alcohol, failure to submit to a urinalysis test, or possessing unauthorized electronic devices.

Finally, the number of visitors an offender may receive and the length of visit may be limited by the institution’s schedule, available space, personnel constraints (e.g., not having enough staff to safely admit visitors), or a substantial reason that justifies the limitation of visits (e.g., the offender is placed on suicide watch).

Visitation Process

It is the responsibility of the offender to inform potential visitors of the process for visiting an MDOC facility and convey all visitation rules, regulations, and schedules to that proposed visitor. The process/act for visiting an offender in MDOC custody occurs in two phases: pre-visitation and visitation.

Exhibit 2: Visitation Privileges Based on Offender’s Custody Level

Offender Custody Level	Conditions of Visitation
Minimum Custody Offenders	<ul style="list-style-type: none"> • May be permitted contact visits; • Offenders will be pat searched before visits and strip searched after visit; and, • Offender will be permitted a minimum of 3 hours to a maximum of 5 hours contact visitation each visit, 4 times per month, with approved visitors on their visitation list.
Medium Custody Offenders	<ul style="list-style-type: none"> • May be permitted contact visits; • Offenders will be pat searched before visits and strip searched after visit; • Visitors will not leave the unit until the strip search of the offender is completed; and, • Offender will be permitted a minimum of 3 hours to a maximum of 5 hours contact visitation each visit, 2 times per month, with approved visitors on their visitation list.
Close Custody Offenders	<ul style="list-style-type: none"> • Restricted to non-contact visits; • Permitted a maximum of 1 hour of non-contact visitation, one time per month with approved visitors on their visitation list; • Close custody offenders in the general population may be allowed 2 hours of contact visit with immediate family on the fifth weekend; • Offenders will be striped searched before and after visits; and, • Visitors will not be permitted to leave the unit until the offender has been strip searched.
Death Row and Long-Term Administrative Segregation Status	<ul style="list-style-type: none"> • Death Row offenders will be permitted 2 hours non-contact visitation, 2 times each month with approved visitors on their visitation list; and, • Offenders on Long-Term Administrative Segregation Status will be permitted a maximum of 1 hour of non-contact visitation each quarter of a year with any approved visitor on their visitation list.

SOURCE: PEER staff analysis of the MDOC policy and procedures regarding the admission of visitors into MDOC facilities.

Pre-Visitation

Prior to being admitted into an MDOC facility as a guest, both the offender and the potential visitor must take proactive steps to comply with MDOC policy and procedure.

Upon admission into an MDOC facility, offenders will be required to complete an inmate visitation list, this list contains the names and contact information of persons to whom the offender would like to offer visitation access. Offenders are limited to 10 persons on their visitation list and should update this list twice a year. Persons not identified on the offender visitation list will not be allowed entry into an MDOC facility.

Prior to arriving at the MDOC facility, each potential visitor must submit completed visitation forms to the MDOC facility he or she wishes to visit. The visitation forms will be reviewed and verified by a case manager utilizing the Offendertrak system to ensure that the proposed visitor is permitted to visit MDOC facilities. If the proposed visitor is identified as being a banned person, he or she may petition and may be granted a written waiver allowing him or her to visit the MDOC facility. Proposed visitors will not be permitted to visit until all visitation forms and/or information has been submitted, reviewed, approved, and all data entered into Offendertrak.

Day of Visitation

Visitors and offenders are both subject to MDOC policies and procedures on the day of visitation.

Prior to arrival, visitors should have been made aware of the MDOC policy regarding acceptable dress for visitation with offenders. Male dress code requires the following:

- shirts must be worn;
- pants should not be pulled down below the hip line;
- no tank tops, sleeveless tops, or bare midriffs;
- no shorts above the knees;

- no cut-off shorts, jogging shorts, or biking shorts;
- shoes must be worn;
- underwear must be worn;
- no jewelry other than a wedding ring, religious medallion, or medical alert bracelet; and,
- no hats, caps, or bandanas (religious headgear and garments are allowed).

Female dress code requires the following:

- shorts must be at knee level or below;
- no hip-hugger, cut-off shorts, jogging shorts, or biking shorts;
- slits on skirts and dresses will not extend above the knee when seated;
- no see-through clothing;
- no tank tops, sleeveless tops, or bare midriffs;
- underwear and bra must be worn;
- shoes must be worn;
- no jewelry other than a wedding ring, religious medallion, or medical alert bracelet; and,
- no hats, caps, or bandanas (religious headgear and garments are allowed).

The dress code, for both adults and children, will be strictly enforced at all times during the visitation. Violators of the dress code may result in their visit being terminated or suspended from future visitations.

Upon arriving at an MDOC facility, visitors will be required to park in designated areas of the facility. These parking locations will post institutional rules, such as items considered contraband, at the front and back gates. While on MDOC grounds, visitors will be subject to searches of their persons, vehicles, personal property, or any and all items in their possession. If contraband should be discovered, it will immediately be confiscated and violators will be

subject to arrest and prosecution. Contraband includes, but is not limited to:

- guns;
- knives;
- ammunition;
- drugs/alcohol;
- weapons or any instrument that could be used as a weapon; and,
- any item declared by MDOC as contraband.

After leaving the designated parking area, visitors will be directed to the visitation center. At the visitation center visitors will then register with the facility by signing the visitor's log, presenting approved, appropriate identification, and providing a letter of approval to enter the facility, if applicable. For adults (those 16 and older) this will require the presentation of either a federal- or state-issued photographic identification. For persons 15 and under, presentation of a legible birth certificate and a picture identification, which includes date of birth, may be used. MDOC staff will then compare the visitor's identification to the visitation application held on file in Offendertrak, and if there is no hold placed on the individual, that person will be allowed to enter the visitation area.

Staff will then screen visitors for any contraband. This check will include: the hair, hands, arms, armpits, neck, shoulders, back, front, bra, waist, pockets, groin, legs, socks, and shoes. Visitors' bodies will be searched via pat-search, electronic scan, and/or ion scan² for contraband. Children will be pat-searched in the presence of their parents.

All visitors will be subject to strip searches when circumstances dictate, and submit to a search of all allowable items and/or property in a visitor's possession.

² An ion scanner is a chemical detection device used to detect the presence of controlled substances and explosives.

Prohibited items in the visitation center include:

- wallets;
- purses;
- handbags;
- change purses; and,
- electronic devices, including cameras, cell phones, or any electronic recording device.

All visits will occur in the visitation center or other designated area, and visitors will not be permitted to be in the offender's living quarters at any time, nor will visitors be able to accompany an offender to bathroom facilities.

Once in the visitation area, visitors and offenders alike must abide by certain rules of conduct in order for the visit to continue. These rules of conduct include:

- Visitors will remain in the designated visiting areas;
- Any visitor not on the offender visitation list will be denied visitation;
- No offender will escort any visitor to restroom areas;
- Offenders and visitors will be prohibited from giving, trading, selling, or receiving anything to or from each other, other offenders, or visitors;
- Tobacco products are prohibited in all visitation areas;
- Visitors will converse with offenders in a normal tone of voice. Loud talking, laughing, yelling, or arguing can result in termination of visits;
- Any visitor or offender who becomes disruptive or disrespectful to staff will be reported and will be subject to having his or her visit terminated;

- Children will be the responsibility of the parent and/or adult and will be supervised at all times (at no time will children be left in the care of offenders);
- No toys will be brought into the facility;
- Combing of hair within the visitation area is prohibited;
- Offenders and visitors must keep the area clean. All plastic bottles, paper, and other trash will be placed in trash containers;
- Offenders are not permitted to escort/accompany visitors to walkways or gates;
- Visiting more than one offender is prohibited unless an immediate family relationship has been verified;
- In an emergency or disturbance, visitors will be required to leave the facility; and,
- At the conclusion of visitation, visitors will be prohibited from leaving the facility with any property or items that were not in their possession upon entering the institution.

Once a visitor has been checked in, screened, and had his or her possessions (e.g., keys, wallet, purse) placed in a secure locker, the offender will be escorted to the visitation area and searched, either pat-down or strip. Should no contraband be found, both offender and guest will be allowed to enter the visiting common area to visit.

Once visitation begins, additional rules of conduct will dictate how an offender and visitor will interact. While affectionate behavior is allowed, it is not without limits. MDOC rules allow for physical contact such as a brief kiss and embrace upon entry and exit, holding hands, walking or sitting with arms around the shoulder or waist, and hands resting on any part of the body not considered sexual are allowable forms of contact.

Prohibited behavior during a visit includes acts such as: hands on or fondling areas considered

sexual, sexual activity, prolonged body kissing or body embracing, lip kissing except for the beginning or end of the visit, sitting in such a manner to expose to view areas of the body considered sexual, sitting in laps (does not apply to children under the age of 12), and sitting or lying in the grass.

During the course of visitation, offenders and visitors will have the option to purchase items for sale from the facility canteen or from other non-profit/charitable groups (some volunteer associations provide bake sales, barbecues, and other food items for offenders and guests to purchase). While MDOC rules and regulations as currently written dictate certain money amounts and types allowable at the different facilities, the current practice at facilities is for a cashless system, wherein visitors will purchase prepaid debit cards in the visitation area and use these debit cards for purchases made during visitation.

If during the course of a visit, an offender or guest violates any rules or regulations of MDOC or the specific facility, that visit is subject to termination, and the visitor and offender may be subject to having their visitation privileges revoked. Cause for termination or suspension of a visit include:

- Contraband being found;
- Visitor fails to produce sufficient identification;
- Visitor possesses unauthorized money or any negotiable instrument while on the grounds of the facility;
- Visitor is believed to be under the influence of alcohol or drugs;
- Visitor engages in any behavior which may be designated inappropriate by the superintendent or designee;
- Children act in a disruptive manner in the visitation area;
- Visitor displays excessive physical contact with an offender; and,

- Necessary order and security cannot be maintained.

Prohibited acts of behavior displayed by a visitor will be documented in an Incident Report and/or an Arrest or Escort Report. As shown in Exhibit 3 on page 9, depending on the severity of the rule violation, a visitor may receive a suspension of

their visitation privileges, up to a permanent ban on visiting. If a visitor's privileges are suspended, the facility's controlling authority will notify the offender and his/her visitor in writing, noting the specific reasons for the suspension and including the length of the suspension.

Exhibit 3: Visitation Privileges Based on Offender's Security Level

Offense	Sanction/Suspension
The visitor has a pending felony or misdemeanor charge or has been guilty of a felony or misdemeanor that occurred in connection with a visit.	Permanent
Leaving minors on the unit or parking lot at visitation.	Permanent
Sexual activity by which the offender or visitor touches or exposes the breasts, buttocks, or genital area during a visit.	Permanent
The visitor assists, conspires to assist, or attempts to assist, an offender to escape.	Permanent
Possession of any tools that can be used as cutting devices, firearms, weapons, mace, stun guns, knives, ammunition, narcotics, controlled substances, alcoholic beverages, marijuana, or the visitor assaults staff or others or threatens them with bodily harm.	24 months
Entering the visitation search area with contraband (after being advised to return contraband to visitor's vehicle).	24 months
The visitor smuggles, conspires to smuggle, or attempts to smuggle contraband into or out of the facility or unit.	24 months
Falsifying visitation application.	18 months
The visitor falsified identification.	18 months
Possession of drugs, drug paraphernalia, or alcohol on institution grounds.	18 months
Exchanging shoes with an offender.	1 year
Under the influence of alcohol or drugs.	1 year
Falsifying age to avoid presenting identification.	1 year
Violation of dress code.	1 year
Attempting to visits on non-visitation days.	6 months
Possession of tobacco, tobacco products, or tobacco paraphernalia.	6 months

*Any and all types of contraband could result in permanent suspension, not limited to the offenses listed.

**The permanent visitation suspensions described above do not need to have occurred in connection with a visit.

SOURCE: PEER staff analysis of the MDOC policy and procedures regarding the admission of visitors into MDOC facilities.

Tours of MDOC Facilities

In addition to visits by persons on the offender's visitation list, it is MDOC policy to conduct tours of correctional facilities of the state to groups and organizations to help the public at large understand the mission of MDOC. As outlined in MDOC Policy Number 08-08, tours will be

scheduled so as to limit disruption of the normal activities of the facility and only after the approval of the superintendent of the facility.

Tours will be limited to persons aged 14 years and older. Tour participants will be required to show photo identification and sign a Tour Waiver

of Liability Form prior to be granted entry into the facility.

As with offender visitation, tours and their participants will be subject to searches of their persons, vehicles, personal property, and allowable items while on facility grounds. Items tour participants are not allowed to possess while on facility grounds include:

- guns, knives, ammunition, weapons, and any instrument that can be used as a weapon;
- alcohol and drugs;
- medicine, unless granted prior approval;
- electronic devices, including cameras and video cameras;
- extra clothing; and,
- any item declared by MDOC as contraband.

It is the duty of the sponsors/chaperones of the tour to inform tour participants of MISS CODE ANN. § 47-5-193 (1972) regarding contraband and prisons.

Additionally, tour participants will be required to adhere to dress code standards. The dress requirements include those listed on page 6 in addition to the following requirements:

For males:

- all pants must be worn with belts;
- no overalls or suspenders;
- all tee shirts must be tucked in;
- shoes must be worn. Thongs, flip-flops, and slides are not allowed;
- no blue or red shoelaces; and,
- no dangling earrings. Stud type only.

For females:

- no tights, leggings, or skinny jeans;
- dresses and skirts no more than 3 inches above the knee;

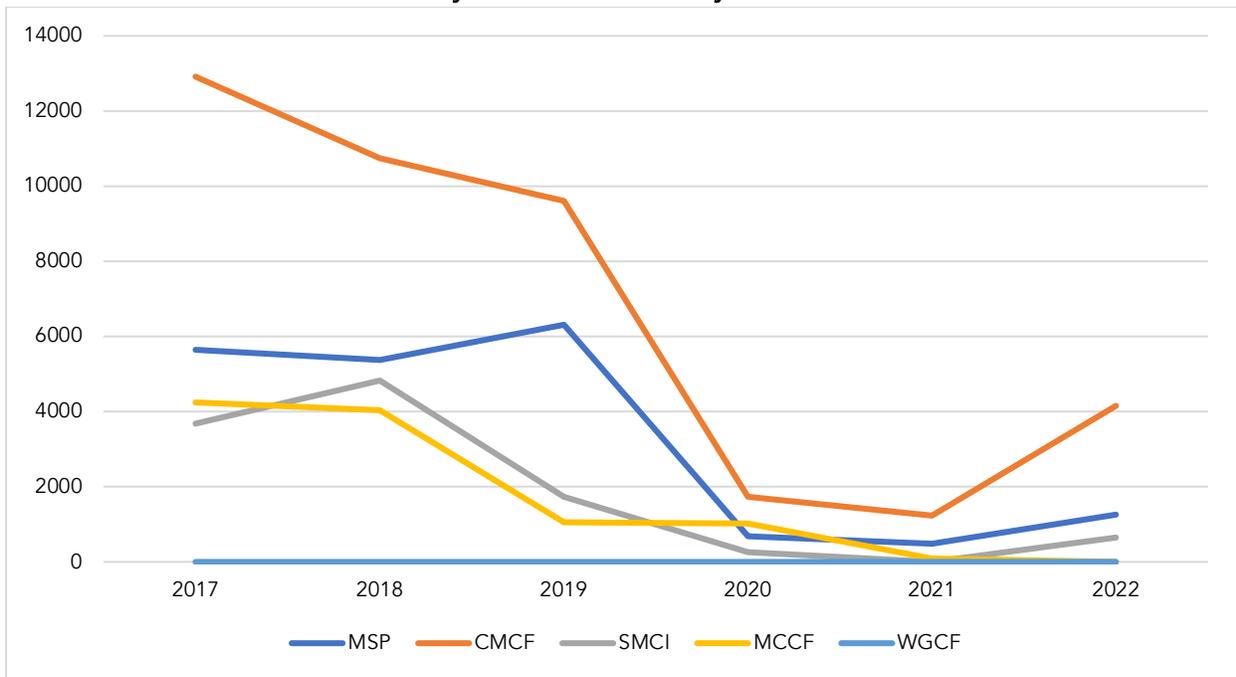
- shoes must be worn. Thongs, flip-flops, and slides are not allowed;
- no blue or red shoelaces; and,
- no dangling earrings. Stud type only.

It is the responsibility of the tour sponsors/chaperones to maintain constant and accurate accountability of their tour participants. Tour participants are required to conduct themselves in a professional manner, and to not engage in communications with offenders, accept anything from them, or give anything to an offender except as may be authorized by the tour director.

MDOC's Visitor Count by State Prison Facility

Exhibit 4 on page 11 presents MDOC's visitor count by state prison facility from CY 2017 to CY 2020. Central Mississippi Correctional Facility (CMCF), has the highest visitor count per year for each of the five years followed by Mississippi State Penitentiary (MSP), South Mississippi Correctional Institution (SMCI), and Marshall County Correctional Facility (MCCF). It is important to note that while the state closed Walnut Grove Correctional Facility (WGCF) in 2016 and reopened in November 2021, the visitor count monthly report received by PEER staff indicates zero visitors to the facility from reopening through June 2022.

Exhibit 4: MDOC's Visitor Count by State Prison Facility from CY 2017 to CY 2022



1) The visitor count monthly report by facility is from January 2017 through June 2022.

SOURCE: PEER staff analysis of data provided by MDOC.

It should also be noted that due to the COVID-19 pandemic, beginning March 2020 through June 2021 MDOC temporarily suspended visitation at all facilities where prisoners were housed in order to establish sanitation and prevention protocols to prevent the spread of COVID-19. However, less than a month later (July 2021), visitations were suspended once more due to a spike in COVID-19 cases. Visitation suspension was lifted November 1, 2021, and has continued without interruption as of this issue brief.

MDOC's Visitation Suspensions by State Prison

SMCI was the only facility to provide PEER staff with requested reports. A review of SMCI visitation suspensions revealed that the top three reasons for visitors' suspensions were due to confiscation of tobacco and related products, tools, and weapons. The lowermost three reasons for visitors' suspensions were due to confiscation of controlled substances (i.e., green leafy substance and drug pipe), explosives (i.e., fireworks), and other contraband. During the five-year time span (January 2017 to August 2022), SMCI suspended 272 visitors for forbidden contraband and/or failing to comply with rules of conduct.

PEER requested visitation suspension reports from each of MDOC's five state-administered facilities and two private facilities for the past five years (2017 through 2022) and as of this issue brief, PEER has only

received reports for the past five years from SMCI. CMCF provided PEER with visitation suspension reports for May through September of 2022 and MCCF only provided a report for October 2022. MSP, WGCF, and the private facilities of EMCF and WCCF have failed to provide any visitation suspension reports as of this issue brief. In view of this limitation, this section of the issue brief will only include a review of visitation suspensions for SMCI.

- **SMCI:** South Mississippi Correctional Institution
- **CMCF:** Central Mississippi Correctional Facility
- **MCCF:** Marshall County Correctional Facility
- **MSP:** Mississippi State Penitentiary
- **WGCF:** Walnut Grove Correctional Facility

However, while six of the correctional facilities' visitations ban lists were not provided by the facility themselves, MDOC does or should have such records at its Central Office location. As stated in Standard Operating Procedure (SOP) 31-03-01:

Each state institution, private, and regional facility will maintain and submit a monthly list of banned visitors to the Deputy Commissioner of Institutions or designee.

PEER staff initially requested the ban records from the MDOC Central Office. According to SOP 31-03-01, visitation ban data and suspension data for all facilities that house state inmates could have been provided via the Central Office. Additionally, staff at the facilities reviewed for this issue brief stated that suspension/ban lists are provided to MDOC's Central Office on a monthly basis. However, the MDOC Central Office made the respective facilities responsible for supplying the data to PEER.

PEER reviewed SMCI visitation suspension reports (January 2017 to August 2022) to assess reason for suspension, number of instances, and length of suspension for visitors who failed to comply with visitation rules. PEER reviewed reason for suspension by category (see Exhibit 5 on page 13) instead of individual items, which is in accordance with MDOC rules and regulations manual on visitations. Rules of conduct were formatted similarly to maintain consistency in reviewing the visitation suspension reports.

According to MDOC's rules and regulations manual for visitations and as a safety protocol measure, all visitors' requests for visits with inmates in state prison facilities must comply with search of person, vehicle, and personal property which is conducted to ensure contraband, which is strictly forbidden, and rules of conduct, while in visiting areas, are followed. Failure to comply with visitation rules may result in a visitor's arrest or permanent suspension from future visitations at any state prison facility.

As shown in Exhibit 5 on page 13, the three highest categories for visitors' suspensions due to forbidden contraband were as follows:

1. **Tobacco and related products:** This category included items such as cigarettes, cigars, and smokeless tobacco which carried a length of suspension resulting in either a 6-month or permanent suspension.
2. **Tools:** This category included items such as pliers, wire cutters, and pruning shears which carried length of suspension resulting in either a warning or a six-month, one-year, or permanent suspension.
3. **Weapons:** This category included items such as a shotgun, pocket knife, and taser which carried length of suspension resulting in a 6-month, 1-year, or permanent suspension. There were several instances of suspensions in the three lowest categories due to forbidden contraband included controlled substances (i.e., green leafy substance and drug pipe), explosives (i.e., fireworks), and other contraband. The exhibit also shows that there were only two reasons for visitor suspensions

due to failure to comply with rules of conduct (i.e., exiting bathroom with offender and arguing with staff).

Exhibit 5: An Aggregated Assessment of SMCI Visitations by Category, Instances, and Length of Suspension, beginning January 2017 through August 2022

Reason for Suspension for Confiscated Contraband Category	Number of Instances for Confiscated Contraband	Length of Suspension for Confiscated Contraband
Tobacco and Related Products	118	6 months; Permanent
Tools	82	Warning; 6 months; 1 year; Permanent
Weapons	71	6 months; 1 year; Permanent
Alcoholic Beverages	21	1 year; Permanent
Ammunition	10	1 year; Permanent;
Hacksaw blades	6	Permanent;
Controlled Substances	4	1 year; Permanent
Explosives	2	Permanent
Other (contraband)	2	Permanent
Cameras	0	N/A
Tape Recorders	0	N/A
Civilian Clothing	0	N/A
Reason for Suspension for Failure to Comply with Rules of Conduct	Number of Instances for Failure to Comply with Rules of Conduct	Length of Suspension for Failure to Comply with Rules of Conduct
Exiting bathroom with offender	5	Permanent
Argumentative with staff	3	Permanent; 1 year; 6 months

1) Reason for suspension is based on multiple items of contraband confiscated from one individual visitor during a single visit to the state prison facility. For instance, 272 individual visitors were suspended (with one exception for a warning) from visiting SMCI beginning January 2017 through August 2022 with a total of 324 items/instances of contraband confiscated from them.

SOURCE: PEER staff analysis of data provided by MDOC.

Observations of MDOC Visitation Units

On-site inspections of visitation units and their associated policies and procedures at three MDOC facilities indicate that ACA standards and expected practices are mostly being followed.

During the review of MDOC’s visitation policy and procedure, PEER staff reviewed visitation units at three different facilities under MDOC purview. In total, five visitation units were toured: four at CMCF (three contact visitation units, and

one non-contact visitation unit), one at WGCF, and one at EMCF. The three facilities reviewed were selected to provide an understanding of visitation procedures at facilities housing state inmates exclusively. The selected facilities also provided a unique representation of the MDOC system, such as:

- CMCF, the state’s largest correctional facility by inmate population, is the only mixed-gender facility in the state;

- WGCF has been operational for one year under MDOC administration, prior to being a decommissioned private correctional facility; and,
- EMCF is one of two privately operated correctional facilities in the state.

During the review, items that MDOC considers contraband (e.g., paper currency, cell phone, and a keychain knife) were purposefully brought onto facility grounds to observe each facility's response (e.g., noting the contraband and subsequent action taken).

Disclaimer

For each visit conducted by PEER staff, there was written, documented notice ahead of each visit identifying who would be arriving and when the visit would occur. PEER staff was then guided through the facilities by either the superintendent, warden, or senior ranking officer. For this reason, at the discretion of MDOC staff, not all visitation protocol measures were applied to the fullest extent. PEER staff's visits are not exactly comparable to visits from members of the general public.

Searches

During the course of fieldwork, MDOC facility staff performed searches on PEER staff at two of the three facilities.

At CMCF, a vehicle inspection was performed at the entry gate of the facility, and a metal-detecting wand search was conducted on PEER staff at the entrance to the non-contact visitation unit. No other searches or examinations were performed at the three contact visitation units.

EMCF staff conducted a full pat down search and examination of PEER staff's field notepad upon entry into the facility.

No searches were conducted at WGCF.

Personal Items

EMCF collected PEER staff's prohibited items (e.g., keys and personal identification) and

placed them in a secure locker. Items were available to be picked up at the conclusion of the visit. EMCF issued a visitor pass, which was to be worn by visitors while on facility grounds and returned at the conclusion of the visit.

At EMCF, PEER staff was allowed to keep their wallet with paper currency. PEER staff was told that while these items were normally not allowed into the facility, since PEER was a guest of the warden, an exception could be made in this instance.

Neither EMCF nor WGCF collected and/or secured prohibited items such as a wallet when PEER staff entered the facility.

Sign-in Logs

EMCF required PEER staff to sign into and out of the visitation log at the reception area of the facility.

PEER staff had a scheduled visit logged for each of the three institutions and thus had documentation showing who and what time PEER staff would be entering MDOC facility grounds.

Absent Staff

During the site visit at WGCF, no staff member was manning the entry gate checkpoint, nor was there a staff member at the reception desk to admit and sign in visitors. It was later explained by the warden that both the staff members assigned to these duty stations had called in sick that morning, and the warden was working to reassign staff to cover these positions. PEER staff arrived at WGCF shortly after the opening of business hours for the facility, so there would have been little time for the facility to identify and reassign staff to cover the unmanned posts.

Exhibit 6 on page 15 shows PEER staff's observations gathered during visits to MDOC facilities.

Exhibit 6: Observations Gathered during Visits to MDOC Facilities

Facility	Safety Protocol				
	Vehicle Search	Visitor Search	Possessions Secured	Sign-In log	Absent Staff
CMCF	Vehicle inspected upon arrival	Magnetic wand search performed at one of three visitation units	No possessions secured	No sign-in performed	All duty stations manned
EMCF	No inspection performed	Pat-down search performed upon entry to facility	Possession collected and secured by staff, except for paper currency	Staff required sign-in prior to admission into facility and issued visitor identification	All duty stations manned
WGCF	No inspection performed	No search performed	No possessions secured	No sign-in performed	Front gate officer and reception office administrator absent

SOURCE: PEER staff visit to MDOC facilities.

As shown in Exhibit 6, the application of MDOC policy and procedure differed from facility to facility, with certain facilities stressing adherence to policy and procedure more than others.

Conclusions

All three facilities visited had varying measures in place to ensure that persons entering MDOC facilities would not pose a danger to offenders, staff, or the facility itself. While none of the three facilities adhered strictly to MDOC policy and procedure regarding persons entering facility grounds, all three facilities took active steps to ensure that facility security would not be compromised (e.g., at no point was PEER staff left unattended or unescorted while on facility grounds). Because of the announced nature of the site visits, the personal escorts while on facility grounds, and the low security risk posed by PEER staff, security protocols during this review most likely do not represent true MDOC practice for admitting persons onto facility grounds. Regardless, PEER staff observed no indications that safety of any party was at risk during the visitation.

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An Overview of Visitation Protocols at the Mississippi Department of Corrections

November 1, 2022

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